IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.7341 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Ms. B.D.Souza i/b. M.P. Vashi & Associates for the Petitioner
Mr. Raju Morey with Mr. S.V. Talkute for Respondent No.1.
Mr. Susheel Mahadeshwar for Respondent NO.2.

CORAM : F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.
DATED : 24th October,2005
P.C.

. Rule. Heard forthwith.

2. It is the case of the petitioner that the respondents are not permitting the petitioner to prosecute her studies in the 5th Semester classes.

3. Few facts may be set out. The petitioner was allowed to keep term for the 5th Semester even though she had failed in the 2nd Semester. The term commenced on 11th July, 205 and will be coming to an end on 26th October, 2005. The results of the 2nd Semester were declared on 8th August, 2005. The petitioner was declared to have failed in the examination. Same was communicated to the college pursuant to which the College did not permit the petitioner to prosecute the studies of the

5th semester from 10th August,2005. The petitioner thereafter applied for reverification on 11th August, 2005. On 7th October, 2005 pursuant to the reverification the petitioner was declared to have passed the examination. Based upon this the petitioner submits that she should be allowed to prosecute studies and appear for the examination.

4. On the other hand on behalf of the respondents,it is pointed out that in terms of Ordinance 119 of the University a candidate to appear for examination must have put in atleast 75% attendance including for term work and practicals. In the instant case the petitioner has put in only 20%. Even if the discretionary power of the Principal is exercised she has to put in 75% attendance. Once that be the case it will not be possible for us to grant any relief in favour of the petitioner. At the highest the petitioner can continue and join 5th Semester as soon as new semester commences. Rule discharged. No order as to costs.

(F.I. REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)